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EXAMINER	
FISH, JAMIESON W	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/882,205	CONNELLY, JAY H.	
	Examiner	Art Unit	
	Jamieson W. Fish	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 9-28-2005 have been fully considered but they are not persuasive. The applicant argues that feedback in Billock is not an indication from one or more clients of the relative desirability of the available content described by the content descriptors. The applicant argues that transmitting a "PROGRAM_ID" requesting that a full motion preview be transmitted back is not equivalent to feedback indicating the relative desirability of available content. The examiner respectfully disagrees. A "request" from the client is feedback. Certainly the statistics about the number of times each program is requested could be used as an indication of the relative desirability of programs. For example, if Program_A is requested 1000 times and Program_B is requested 5 times, one could come to the conclusion that Program_A is more desirable than Program_B.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-12, 43-49** are rejected under 35 U.S.C. 102(b) as being anticipated by Billock et al (US 5,619,249).

Regarding claim **1,** Billock teaches a method, comprising: broadcasting content descriptors, which describe available content, to one or more clients (See Fig. 6, Fig. 9A

Step 108 and Col. 9 lines 29-36, Col. 13 lines 1-58 Program Names and Categories are broadcast); receiving feedback from said one or more clients regarding the content descriptors, the feedback being an indication from one or more clients of the relative desirability of the available content described by the content descriptors (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs); refining a list of available content in response to the feedback (See Fig. 7, Fig. 8, Fig. 9D Step 162, Fig. 9E Step 176, Col. 11 lines 32-42, Col. 12 lines 30-41, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Previews are shown for a genre of programs); and broadcasting content listed in the refined list of available content to said one or more clients (See Fig. 9H and Col. 17 lines 15-56).

Regarding claim **2,** Billock teaches the method further comprising repeating operations of broadcasting further descriptive content, which further describe the available content listed in the refined list of available content (See Fig. 7, Fig. 8, Fig. 9D Step 162, Fig. 9E Step 176, Col. 11 lines 32-42, Col. 12 lines 30-41, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Previews are shown for a multiple programs of a genre), and receiving corresponding additional feedback to further refine the list of available content in response to the additional feedback (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to view).

Regarding claim **3,** Billock teaches wherein the further descriptive content is more descriptive of the available content than previously broadcast descriptive content

(See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs).

Regarding claim **4,** Billock teaches a method, comprising: broadcasting content descriptors, which describe available content, to a plurality of clients (See Fig. 1, Fig. 6, Fig. 9A Step 108 and Col. 3 lines 54-64, Col. 9 lines 29-36, Col. 13 lines 1-58 Program Names and Categories are broadcast); receiving first feedback from the plurality of clients regarding the content descriptors, the first feedback being an indication from the plurality of clients of the relative desirability of the available content described by the content descriptors (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs); sorting the available content in response to the first feedback from the plurality of clients (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs. Choosing a category to receive previews for is sorting); broadcasting further descriptive content related to at least a first portion of the available content as sorted to the plurality of clients (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs); receiving next feedback from the plurality of clients regarding the further descriptive content (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the

viewer can selects a full length version of a program to view); sorting the available content in response to the next feedback from the plurality of clients (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to view. Showing a single full-length program is sorting the available content); and broadcasting at least a second portion of the available content to the plurality of clients in an order responsive to the next feedback from the plurality of clients (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can select a full length version of a program to view. The program the user selects is shown first).

Regarding claim **5,** Billock teaches the method further comprising repeating: broadcasting further descriptive content related to a narrower portion of the available content as sorted to the plurality of clients (See Fig. 7, Fig. 8 and Col. 11 lines 43-52, Col. 12 lines 42-51 The user can change the active category during preview or information mode and thus repeat the step of receiving further descriptive content); receiving next feedback from the plurality of clients regarding the further descriptive content (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to view).

Regarding claim **6,** Billock teaches wherein the further descriptive content less expensive to broadcast to the clients than the available content (See Col. 9 lines 12-21

Further descriptive content is a preview or descriptive information, both of which comprise less information that the full length program).

Regarding claim **7,** Billock teaches wherein the sorting of the available content in response to the next feedback comprises assigning a higher weight to the next feedback than the first feedback (See discussion of claim 4, The first feedback requests a preview or descriptive information for a category of programs. The next feedback requests the full-length version of a single program. Thus, the next feedback is weighted higher than the first feedback).

Regarding claim **8,** Billock teaches wherein the broadcasting of said at least a second portion of the available content in an order further responsive to the first feedback from the plurality of clients (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to view. The program the user selects is shown first).

Regarding claim **9,** Billock teaches wherein the further descriptive content is included in the available content such that the broadcasting of the further descriptive content comprises broadcasting partial available content to the plurality of clients (See Col. 15 lines 15-27, 59-67, Further descriptive content is a preview of available content. Broadcasting a preview is broadcasting partial available content).

Regarding claim **10,** Billock teaches the method further comprising keeping track of the further descriptive content broadcast to the plurality of clients (See Col. 5 lines 47-64 Data files include information about frequently selected programs), wherein the

broadcast of said at least a second portion of the available content comprises broadcasting a portion of a remaining portion of the partial available content to the plurality of clients (See discussion of claim 4, The first feedback requests a preview or descriptive information for a category of programs. The next feedback requests the full-length version of a single program. Thus, the second portion is a remaining portion of the available content).

Regarding claim **11,** Billock teaches wherein the available content comprises at least one of video information, graphical information, audio information, multi-media information or textual information (See Abstract).

Regarding claim **12**, Billock teaches wherein the further descriptive content comprises at least one of a video clip, a graphical clip, an audio clip, a multi-media clip or a textual description (See Fig. 7, Fig. 8 Col. 11 lines 33-42, Col. 12 lines 31-41).

Regarding claim **43,** Billock teaches an apparatus, comprising: a processor having circuitry to execute instructions (See Fig. 2 Processing System 22 Col. 4 lines 59-65); a communications interface coupled to the processor, the communications interface coupled to receive communications from one or more clients (See Fig. 2 Col. 4 lines 59-65); a storage device coupled to the processor, having instructions stored therein, which when executed cause the apparatus to (See Col. 4 lines 59-67, Col. 5 lines 1-8): broadcast content descriptors, which describe available content, to said one or more clients (See Fig. 1, Fig. 6, Fig. 9A Step 108 and Col. 3 lines 54-64, Col. 9 lines 29-36, Col. 13 lines 1-58 Program Names and Categories are broadcast); receive first feedback from said one or more clients regarding the content descriptors the first

feedback being an indication from said one or more clients of the relative desirability of the available content described by the content descriptors (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs); sort the available content in response to the first feedback (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs. Choosing a category to receive previews for is sorting); broadcast further descriptive content related to at least a first portion of the available content as sorted to said one or more clients (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs); receive next feedback from said one or more clients regarding the further descriptive content (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to be received from the server); sort the available content in response to the next feedback (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to view. Showing a single full-length program is sorting the available content); and broadcast at least a second portion of the available content to said one or more clients in an order responsive to the next feedback from the plurality of clients (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the

preview mode or information mode, the viewer can selects a full length version of a program to view).

Regarding claim **44,** Billock teaches wherein the order in which said at least a second portion of the available content is broadcast to said one or more clients is further responsive to the first feedback (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to view. The program the user selects is shown first).

Regarding claim **45,** Billock teaches wherein the available content includes the further descriptive content (See Fig. 7, Col. 11 lines 33-42 Further descriptive content is a preview of video program).

Regarding claim **46,** Billock teaches wherein the apparatus is further caused to repeat: broadcasting further descriptive content related to narrower portions of the available content to said one or more clients (See Fig. 7, Fig. 8, Fig. 9D Step 162, Fig. 9E Step 176, Col. 11 lines 32-42, Col. 12 lines 30-41, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Previews are shown for a multiple programs of a genre); receive next feedback from said one or more clients regarding the further descriptive content (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to view).

Regarding claim **47,** Billock teaches a system, comprising: a server (See Fig. 1 Telecasting Facility 12 and Col. 3 lines 53-64); one or more clients coupled to the server

(See Fig. 1 Col. 3 lines 53-64); wherein the server is coupled to broadcast content descriptors, which describe available content, to the one or more clients (See Fig. 1, Fig. 6, Fig. 9A Step 108 and Col. 3 lines 54-64, Col. 9 lines 29-36, Col. 13 lines 1-58 Program Names and Categories are broadcast); wherein the one or more clients are coupled to receive the content descriptors broadcast by the server (See Fig. 1, Fig. 6, Fig. 9A Step 108 and Col. 3 lines 54-64, Col. 9 lines 29-36, Col. 13 lines 1-58 Program Names and Categories are broadcast); wherein the server is coupled to receive first feedback from said one or more clients regarding the content descriptors the first feedback being an indication from said one or more clients of the relative desirability of the available content described by the content descriptors (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs); wherein the server is coupled to sort a list of available content in response to the first feedback (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs. Choosing a category to receive previews for is sorting); wherein the server is coupled to broadcast further descriptive content, which further describe the available content listed in the list of available content, to said one or more clients (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs); wherein the server is coupled to receive additional feedback from said one or more clients regarding the

further descriptive content (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to view); wherein the server is coupled to refine the list of available content in response to the additional feedback (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to view. Showing a single full-length program is refining the list of available content); and wherein the server is coupled to broadcast the available content listed in the refined list of available content to said one or more clients (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to view).

Regarding claim **48,** Billock teaches wherein the server is further coupled to repeat the broadcast of further descriptive content and receive corresponding additional feedback from the one or more clients to further refine the list of available content (See Fig. 7, Fig. 8 and Col. 11 lines 43-52, Col. 12 lines 42-51 The user can change the active category during preview or information mode and thus repeat the step of receiving further descriptive content).

Regarding claim **49,** Billock teaches wherein the further descriptive content is more descriptive of the available content than previously broadcast descriptive content (See Fig. 7, Col. 11 lines 33-42 Further descriptive content is a preview of video program a preview is more descriptive than a title).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim **13**, **20-22, 25-27, 34-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Billock.

Regarding claim **13,** Billock teaches a method, comprising: receiving content descriptors, which describe available content, from a server (See Fig. 6, Fig. 9A Step 108 and Col. 9 lines 29-36, Col. 13 lines 1-58 Program Names and Categories are broadcast); sending first feedback responsive to the content descriptors to the server, the first feedback being an indication of the relative desirability of the available content described by the content descriptors (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs); receiving further descriptive content related to a portion of the available content from the server (See Fig. 9D Step 162, Fig. 9E Step 176, Col. 15 lines 15-27, 66-67, Col. 16 lines 1-9); sending next feedback responsive to the further descriptive content to the server (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to be received from the server). Billock teaches where a smaller portion of available content (a single full length program) is received from the server (See Col. 5 lines 6-24, Col. 17 lines 15-56). Billock differs from the claimed invention in that the smaller portion

received from the server is not necessarily stored. Official Notice is taken that systems that store programs received from a server so that the viewer can watch the program at later time than the original transmission time are well known. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Billock so that a smaller portion of available content received from the server was stored to allow the viewer to watch the content at a time later than the original viewing time.

Regarding claim **20,** the modified Billock teaches wherein the available content includes the further descriptive content (See Fig. 7, Col. 11 lines 33-42 Further descriptive content is a preview of video program).

Regarding claim **21,** the modified Billock teaches further repeating: receiving further descriptive content related to a narrower portion of the available content from the server (See Fig. 7, Fig. 8 and Col. 11 lines 43-52, Col. 12 lines 42-51 The user can change the active category during preview or information mode and thus repeat the step of receiving further descriptive content); sending next feedback responsive to the further descriptive content to the server (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to view).

Regarding claim **22,** the modified Billock teaches the method further comprising storing a portion of the further descriptive content after receiving the further descriptive content from the server (See Col. 2 lines 62-67, Col. 3 lines 1-13).

Regarding claim **25,** Billock teaches wherein the available content comprises at least one of video information, graphical information, audio information, multi-media information or textual information (See Abstract).

Regarding claim **26,** Billock teaches wherein the further descriptive content comprises at least one of a video clip, a graphical clip, an audio clip, a multi-media clip or a textual description (See Fig. 7, Fig. 8 Col. 11 lines 33-42, Col. 12 lines 31-41).

Regarding claim **27,** Billock teaches an article of manufacture, comprising: a machine-readable medium having instructions to (See Col. 13 lines 1-7): receive at a client content descriptors, which describe available content, from a server (See Fig. 6, Fig. 9A Step 108 and Col. 9 lines 29-36); send from the client first feedback responsive to the content descriptors to the server, the first feedback being an indication from the client of the relative desirability of the available content described by the content descriptors (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Viewers can request a preview of content or more descriptive information for a program or a category of programs); receive at the client further descriptive content related to at least a first portion of available content from the server (See Fig. 9D Step 162, Fig. 9E Step 176, Col. 15 lines 15-27, 66-67, Col. 16 lines 1-9); send from the client next feedback responsive to the further descriptive content to the server (See Fig. 7, Fig. 8 Select Button 62, Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to be received from the server); Billock differs from the claimed invention in that the second portion received from the server is not necessarily stored. Official

Notice is taken that systems, which store programs received from a server so that the viewer can watch the program at later time than the original transmission time, are well known. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Billock so that a second portion of available content received from the server was stored to allow the viewer to watch the content at a time later than the original viewing time.

Regarding claim **34,** Billock teaches the machine-readable medium further having instructions to filter the further descriptive content such that the next feedback is responsive to the filtered further descriptive content (See Fig. 9D Step 160, Fig. 9E Step 174, Col. 15 lines 15-27, 59-67, Col. 16 lines 1-9 Content is arranged in categories. The user can receive previews or information for a category. Thus, next feedback is responsive to filtered further descriptive content).

Regarding claim **35,** claim **35** is an apparatus claim corresponding to an article of manufacture claim 27. Thus, claim **35** is discussed and rejected according to claim 27.

Claims **14-19, 28-33, 36-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Billock et al. in view of Payton (US 5,790,935).

Regarding claim **14,** Billock teaches wherein the server receives requests from viewers to receive a preview of programs, descriptive information about programs, and full length programs (See Discussion of claim 13). Billock differs from the claimed invention in that Billock fails to disclose automatically or manually generating demand data related to the available content responsive to the content descriptors, the first feedback further responsive to the demand data related to the available content. In a

similar endeavor, Payton teaches automatically or manually generating demand data related to the available content responsive to the content descriptors, the first feedback further responsive to the demand data related to the available content (See Col. 4 lines 12-15, Col. 6 lines 19-50 A user receives a list of recommend items based on demand data manually entered demand data and can select items form this list). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Billock so that demand data related to the available content responsive to the content descriptors was generated, the first feedback further responsive to the demand data related to the available content as taught by Payton to reduce the number of subscriber requests that must be provided on-demand from the central distribution server (See Payton Col. 3 lines 33-38).

Regarding claim **15,** Billock modified with Payton teaches wherein generating the demand data comprises generating ranking data (See Payton Col. 5 lines 6-20 Programs are ranked based on user ratings).

Regarding claim **16,** Billock modified with Payton teaches wherein generating the demand data comprises generating rating data (See Payton Col. 5 lines 6-20 Users rate programs).

Regarding claim **17,** See Discussion of claim 13.

Regarding claim **18,** Billock modified with Payton wherein generating the demand data comprises generating ranking data (See Payton Col. 5 lines 6-20 Programs are ranked based on user ratings).

Regarding claim **19,** Billock modified with Payton wherein generating the demand data comprises generating rating data (See Payton Col. 5 lines 6-20 Users rate programs).

Regarding claim **28,** Billock differs from the claimed invention in that the first feedback does necessarily include demand data related to the content descriptors. In a similar endeavor, Payton teaches where feedback includes demand data related to the content descriptors (See Col. 4 lines 12-15, Col. 6 lines 19-50). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Billock so that demand data related to the content descriptors was included in the first feedback as taught by Payton to reduce the number of subscriber requests that must be provided on-demand from the central distribution server (See Payton Col. 3 lines 33-38).

Regarding claim **29,** Billock modified with Payton teaches the machine-readable medium further having instructions to generate ranking data to generate the demand data (See Payton Col. 5 lines 6-20 Programs are ranked based on user ratings).

Regarding claim **30,** Billock modified with Payton teaches the machine-readable medium further having instructions to generate rating data to generate the demand data (See Payton Col. 5 lines 6-20 Users rate programs).

Regarding claim **31,** Billock differs from the claimed invention in that the next feedback does not necessarily include demand data related to the further descriptive content. In a similar endeavor, Payton teaches where feedback includes demand data related to the content descriptors (See Col. 4 lines 12-15, Col. 6 lines 19-50). Thus, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Billock so that demand data related to the content descriptors was included in the next feedback as taught by Payton to reduce the number of subscriber requests that must be provided on-demand from the central distribution server (See Payton Col. 3 lines 33-38).

Regarding claim **32,** Billock modified with Payton teaches the machine-readable medium further having instructions to generate ranking data to generate the demand data (See Payton Col. 5 lines 6-20 Programs are ranked based on user ratings).

Regarding claim **33,** Billock modified with Payton the machine-readable medium further having instructions to generate rating data to generate the demand data (See Payton Col. 5 lines 6-20 Users rate programs).

Regarding claims **36-41,** claims **36-41** are apparatus claims corresponding to article of manufacture claims 28-33, respectively. Thus, claims **36-41** are discussed and rejected according to claims 28-33.

Claims **23-24** and **42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Billock in view of Picco (US 6,029,045).

Regarding claim **23**, the modified Billock fails to disclose wherein storing the portion of the further descriptive content after receiving the further descriptive content from the server comprises filtering the further descriptive content such that the portion of the further descriptive content related to the available content in which a user is interested is stored. In a similar endeavor, Picco teaches where content received from a server is only stored if the content matches user preferences (See Fig. 9 and Col. 13

lines 36-65). Thus, is would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Billock to filter further descriptive content such that the portion of the further descriptive content related to the available content in which a user is interested is stored as taught by Picco to provide individualized content (See Picco Col. 13 lines 36-40).

Regarding claim **24,** the modified Billock fails to disclose wherein storing the portion of the further descriptive content after receiving the further descriptive content from the server comprises filtering the further descriptive content such that a portion of the further descriptive content related to the available content in which a user is not interested is not stored. In a similar endeavor, Picco teaches where content received from a server is not stored if the content does not match user preferences (See Fig. 9 and Col. 13 lines 36-65). Thus, is would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Billock to filter further descriptive content such that the portion of the further descriptive content related to the available content in which a user is not interested is not stored as taught by Picco to provide individualized content (See Picco Col. 13 lines 36-40).

Regarding claim **42,** the modified Billock teaches storing further descriptive content in the storage device, wherein the next feedback is responsive to the filtered portion of the further descriptive content (See Fig. 7, Fig. 8 Select Button 62, See Col. 2 lines 62-67, Col. 3 lines 1-13Col. 11 lines 43-52, Col. 12 lines 7-9, 42-51 From the preview mode or information mode, the viewer can selects a full length version of a program to be received from the server). The modified Billock differs from the claimed

invention in that the apparatus does not necessarily filter the received further descriptive content such that a portion of the further descriptive content is stored. In a similar endeavor, Picco teaches where content received from a server is only stored if the content matches user preferences (See Fig. 9 and Col. 13 lines 36-65). Thus, is would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Billock to filter further descriptive content such that the portion of the further descriptive content related to the available content in which a user is interested is stored as taught by Picco to provide individualized content (See Picco Col. 13 lines 36-40).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 01-09-2005

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